

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 208

# **HOUSE BILL 2291**

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 34; RELATING  
TO RETAILER USE OF IDENTIFICATION INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding  
3 chapter 34, to read:

4 CHAPTER 34

5 RETAILER USE OF IDENTIFICATION INFORMATION

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7701. Retention of customer information; age verification;  
8 transmission to third parties prohibited;  
9 enforcement; civil penalties

10 A. A RETAILER MAY RETAIN AND USE INFORMATION FROM A CUSTOMER'S DRIVER  
11 LICENSE OR OTHER STATE ISSUED IDENTIFICATION ONLY FOR THE PURPOSE OF  
12 VERIFYING THE CUSTOMER'S AGE, FOR THE PURPOSE OF ESTABLISHING A CUSTOMER'S  
13 IDENTITY, FOR THE PURPOSE OF CONFIRMING THAT THE CUSTOMER IS PROPERLY  
14 LICENSED TO OPERATE A MOTOR VEHICLE, RECREATIONAL VEHICLE, TRUCK OR  
15 MOTORCYCLE ON PUBLIC ROADS OR FOR THE PURPOSE OF DISCLOSING THE INFORMATION  
16 TO ANY OF THE FOLLOWING:

17 1. THE DEPARTMENT OF TRANSPORTATION.

18 2. A PERSON LICENSED PURSUANT TO TITLE 20.

19 3. A NOTARY PUBLIC PURSUANT TO SECTION 41-319.

20 4. A BUSINESS FOR THE PURPOSE OF ANY OF THE FOLLOWING:

21 (a) VERIFYING A CHECK AT THE POINT OF SALE FOR THE PURCHASE OF A GOOD  
22 OR SERVICE BY CHECK.

23 (b) EVALUATING CREDIT WORTHINESS.

24 (c) DETECTING OR REDUCING THE RISK OF FRAUD, ABUSE, IDENTITY THEFT OR  
25 OTHER CRIMES.

26 (d) CONDUCTING ACCOUNT COLLECTION ACTIVITIES.

27 (e) CONFIRMING THAT THE CUSTOMER HAS MET THE MOTOR VEHICLE FINANCIAL  
28 RESPONSIBILITY REQUIREMENTS PURSUANT TO SECTION 28-4135.

29 5. FINANCIAL INSTITUTIONS, IF PERMITTED BY FEDERAL LAW.

30 B. EXCEPT AS PROVIDED IN THIS SECTION, THE RETAILER SHALL NOT TRANSMIT  
31 THE INFORMATION TO A THIRD PARTY FOR ANY PURPOSE, EXCEPT THAT A RETAILER MAY  
32 DISCLOSE THE INFORMATION TO A LAW ENFORCEMENT AGENCY FOR THE PURPOSES OF A  
33 LAW ENFORCEMENT INVESTIGATION.

34 C. THIS SECTION DOES NOT PROHIBIT THE USE OF THE INFORMATION IN A  
35 COURT PROCEEDING OR ADMINISTRATIVE PROCEEDING.

36 D. THIS SECTION MAY BE ENFORCED BY EITHER OF THE FOLLOWING:

37 1. A COUNTY ATTORNEY IN THE COUNTY IN WHICH THE VIOLATION OCCURS. IF  
38 A VIOLATION OCCURS BY THE SAME RETAILER IN MULTIPLE COUNTIES, A COUNTY  
39 ATTORNEY IN A COUNTY IN WHICH A VIOLATION OF THIS SECTION OCCURRED, AFTER  
40 FILING A NOTICE OF INTENT TO ENFORCE THIS SECTION, MAY SEND A COPY OF THE  
41 NOTICE TO THE COUNTY ATTORNEY IN EACH COUNTY IN WHICH A VIOLATION OCCURRED  
42 AND MAY REQUEST THAT THE ACTIONS BE CONSOLIDATED. A COUNTY ATTORNEY MAY  
43 OBTAIN INJUNCTIVE RELIEF AND RECOVER COSTS, ATTORNEY FEES AND THE PENALTIES  
44 PRESCRIBED IN SUBSECTION E OF THIS SECTION.

- 1           2. THE ATTORNEY GENERAL. AN ACT OR PRACTICE IN VIOLATION OF THIS
- 2 SECTION CONSTITUTES AN UNLAWFUL PRACTICE PURSUANT TO SECTION 44-1522. THE
- 3 CIVIL PENALTY PRESCRIBED BY SUBSECTION E OF THIS SECTION IS IN LIEU OF THE
- 4 PENALTY PRESCRIBED BY SECTION 44-1531.
- 5           E. A CIVIL PENALTY SHALL BE IMPOSED FOR EACH VIOLATION OF SUBSECTION A
- 6 OF THIS SECTION. THE CIVIL PENALTY SHALL NOT EXCEED:
- 7           1. FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.
- 8           2. ONE THOUSAND DOLLARS FOR A SECOND VIOLATION.
- 9           3. FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.

APPROVED BY THE GOVERNOR MAY 14, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2007.